

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOSEPH HEBERT,)	
)	
Plaintiff,)	
)	
v.)	No. 7:17-CV-00421
)	
DIVERSIFIED CONSULTANTS, INC.,)	
)	
Defendant.)	

PLAINTIFF’S COMPLAINT

Plaintiff, JOSEPH HEBERT (“Plaintiff”), through his attorneys, alleges the following against Defendant, DIVERSIFIED CONSULTANTS, INC., (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (“FDCPA”).

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. §1331 and 15 U.S.C. §1692k.
3. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Venue and personal jurisdiction in this District are proper because Defendant does or transacts business within this District, and a material portion of the events at issue occurred in this District.

PARTIES

5. Plaintiff is a natural person residing in Wytheville, Wythe County, Virginia.

6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3).
7. Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6).
9. Within the last year, Defendant attempted to collect a consumer debt from Plaintiff.
10. Defendant is a national collection agency headquartered in Jacksonville, Florida.
11. Defendant's business includes, but is not limited to, collecting on unpaid, outstanding account balances.
12. When an unpaid, outstanding account is placed with Defendant it is assigned an account number.
13. The principal purpose of Defendant's business is the collection of debts allegedly owed to third parties.
14. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.
15. During the course of its attempts to collect debts allegedly owed to third parties, Defendant sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or electronic mail, and initiates contact with alleged debtors via various means of telecommunication, such as by telephone and facsimile.
16. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

17. Defendant is attempting to collect an alleged consumer debt from Plaintiff originating with Sprint.
18. Plaintiff's alleged debt owed arises from transactions for personal, family, and household purposes.

19. In or around June, 2017, Defendant began calling Plaintiff in an attempt to collect the alleged debt.
20. Defendant calls Plaintiff on Plaintiff's cellular telephone number at xxx-xxx-7269 in an attempt to collect on the alleged debt.
21. Defendant calls Plaintiff from 225-424-5955, which is one of Defendant's telephone numbers.
22. Defendant calls Plaintiff at an annoying and harassing rate, calling Plaintiff twice a day, every day.
23. On June 16, 2017, Plaintiff spoke with one of Defendant's collectors and requested Defendant stop calling him.
24. Despite Plaintiff's request, Defendant continued to place collection calls to Plaintiff.
25. Specifically, Defendant called Plaintiff on the following approximate dates and times:
 - a. June 19, 2017
 - b. June 20, 2017
 - c. June 21, 2017
 - d. June 22, 2017
 - e. June 26, 2017
 - f. June 27, 2017
 - g. June 28, 2017
 - h. June 29, 2017
 - i. July 5, 2017
 - j. July 6, 2017
 - k. July 7, 2017

- l. July 8, 017
- m. July 10, 2017
- n. July 11, 2017
- o. July 12, 2017
- p. July 13, 2017
- q. July 17, 2017
- r. July 18, 2017
- s. July 19, 2017
- t. July 20, 2017

**COUNT I:
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

26. Defendant violated the FDCPA based on, but not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, and abuse any person in connection with the collection of an alleged debt when Defendant called Plaintiff after he requested Defendant stop calling him; and
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass any person at the called number when Defendant repeatedly and continuously called Plaintiff on his cellular telephone twice per day, and when Defendant called Plaintiff after he asked Defendant to stop calling him.

WHEREFORE, Plaintiff, JOSEPH HEBERT, respectfully requests judgment be entered against Defendant, DIVERSIFIED CONSULTANTS, INC., for the following:

27. Actual damages, pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
28. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
29. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and
30. Any other relief this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

September 8, 2017

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